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10/788,427	02/27/2004	Paul Alistair Thomas	684-011708-US (PAR)	6990
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Perman & Green, LLP				
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Stratford, CT 06614				
EXAMINER				
STEPHEN, EMEM O				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/788,427

Applicant(s)

THOMAS ET AL.

Examiner

EMEM STEPHEN

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/06/2009 have been fully considered but they are not persuasive.

The Applicant's arguments with regards to the claims are not persuasive for the reason that Humphrey discloses "tab 254 is formed at the bottom end 207 of cover 250 of mobile station 200. Tab 254 provides a means for grasping primary cover 250 during installation or de-installation for the purpose of stretching it along its length. If the internal length dimension of cover 250 (see FIG. 5), for example, is slightly small than the external length dimension of the internal assembly 700, then a slight extension of cover 250 may be used to install the internal assembly, which will then be "grabbed" by cover 250 when it is released. With the disclosure presented here, it should be apparent to one skilled in the art to make suitable adjustments to the width and depth of the interior of cover 250 so as to contribute to a secure fit between cover 250 and internal assembly 700 (par. 37)."

"Groove 510 formed along the interior face 506 of right side wall 306. Groove 510 need not extend the entire length of interior face 506, and generally will not extend all the way through its thickness either. A similar groove is formed in the interior face (not shown in FIG. 5) of left side wall 304 as well. **The grooves are formed to receive a corresponding extension tab** (not shown) formed on internal assembly 700. The groove is not entered from one end and traversed, but rather side walls 304 and 306 are forced outward by the corresponding extension tabs during installation of the internal

assembly, and the extension and grooves are positioned such that they are aligned when internal assembly 700 is fully in place. By elastomeric rebound the communication is then accomplished. Note that the **extension tabs and groove combinations are only one retaining means (par. 47).**"

"**Retaining means**" refers to any structure or combination of structures that assist in maintaining the installed status of the internal assembly 700. The aforementioned tongue and groove combination are such a means, and effectively the combination of walls forming pocket 385 are another. Also, a retaining means is the combination of top, bottom, and side walls constructed so that the dimensions of recess 390 are, along one or more axes, are smaller than the corresponding dimension of the internal assembly is yet another (par. 48)."

Therefore, Humphrey discloses lips, rim, recess and locking parts are shown above, and as also taught by Humphrey, their placement is based on the user's design choice. A user's choice of orientation is however not novel.

Therefore, the rejections are maintained as repeated below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 2, 4-7, 9-12, and 14-19 are rejected under 35 USC 103(a) as being unpatentable over US Publication No. 2006/0165465 A1 to Wu in view of U.S. Pub. No. 20030143961 A1 to Humphrey et al.

Regarding claims 1, 6, 11, and 17, Wu discloses an apparatus comprising a bendable keymat, a cover (see figure 9, upper enclosure, see fig. 12 key module 12), and a substrate located within the cover comprising a plurality of key switches (see figure 15, membrane 13a), wherein, said keymat comprises a plurality of lips (see figure 3, par. 76, tabs 25, see fig. 12 hooks 825) located at and extending outward from edges

of said keymat toward a rim of the cover and a plurality of pressure transmitters (see figure 9, keycap 15) extending from an interior surface of the keymat, and said cover comprises a plurality of indentations (i.e. grooves 26, see fig. 12, slot 826) configured to receive said plurality of lips (par. 76), wherein the bendable keymat comprises elastic properties that force the lips (tabs 25, 825) into the plurality of indentations (i.e. recess/indentation/grooves 26, 826) on the cover to attach the edges of the keymat to the cover (pars. 76-77, if the tabs attached to the key module can be resiliently flexed to force them into recess, then the keymat comprises elastic properties), and said indentations are located at edges of a recess for removably mounting said keymat (see figure 3, par. 76, i.e. recess/indentation/grooves 26, 826), the cover also includes a plurality of apertures (see figures 3, 9, and par. 75, i.e. key actuating mechanism 16, rubber dome 7) through which the plurality of pressure transmitters pass to activate the plurality of key switches. However, Wu fails to specifically disclose that the keymat is elastomeric, and is configured so that an entirety of the bendable elastomeric keymat bends and a plurality of locking parts extending from the cover adjacent the indentations that, along with the elastic properties of the keymat, force the lips of the keymat into the indentations.

Humphrey discloses the keymat is elastomeric, and is configured so that an entirety of the bendable elastomeric keymat bends to outwardly force the lips toward the rim of the recess (par. 31) and a plurality of locking parts extending from an interior surface of the recess adjacent the indentations (pars. 37-38) so that, the plurality of locking parts interface with the lips of the keymat and, along with the elastic properties

of the keymat, force the lips of the keymat into the indentations of the cover (pars. 47-48).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Wu with the teachings of Humphrey in order to secure the keymat to the cover as is well known in the art.

Regarding claims 2, 4, 5, 7, 9, 10, 12, 14, 15, and 18-19, the combination of Wu and Humphrey further teaches the apparatus wherein said keymat comprises one or more guiding recesses (edges 113), and said cover comprises one or more corresponding guiding pieces (guide rails 114) (Wu, figures 4, 8, and pars. 79, 84).

Regarding claim 16, the combination of Wu and Humphrey further teaches the apparatus wherein said keymat is being molded in one piece (Wu, Figures 3, and 8, shows it is molded as a piece, key module 12).

6. Claims 3, 8, 13, and 18-19 are rejected under 35 USC 103(a) as being unpatentable over Wu in view of Humphrey and further in view of U.S. Pub. No. 2003/0119543 A1 to Kfoury et al. (Kfoury).

Regarding claims 3, 8, 13, and 18-19, the combination of Wu and Humphrey further discloses comprises one or more guiding pieces and recesses. However, Wu and Humphrey fail to disclose guiding pieces that are arranged in direct connection to one or more of said plurality of lips.

In an analogous art, Kfoury teaches guiding pieces that are arranged in direct connection to one or more of said plurality of lips (Figure 4, 5; paragraph [0032]-[0033]; Kfoury teaches that the key module is successfully assembled to the body by the engaging members including grooves, rails, contact pad and receptacle respectively aligned and engaged, lined up, or guided to the corresponding members thereby the elements are acting as guiding elements for a successful operation of inserting the key modules into the device body).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the combination and include one or more guiding recesses arranged in direct connection to one or more of said plurality of indentations such as taught by Kfoury as an alternative for the same purpose of aligning the interchangeable the process of attaching, connecting, or securing said keymat to said cover.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMEM STEPHEN whose telephone number is 571 272 8129. The examiner can normally be reached on 8-5 Mon-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571 272 7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. S./
Examiner, Art Unit 2617
12/10/2009

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617